IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR
&
THE HONOURABLE MR. JUSTICE P.N.RAVINDRAN

MONDAY, THE 17TH DECEMBER 2007 / 26TH AGRAHAYANA 1929

WP(C).No. 24868 of 2007(I)

PETITIONER:

K.J.THOMAS, S/O JOSEPH,
AGED 60 YEARS, KARANAMKOTTU HOUSE,
PEROOR VILLAGE, PEROOR, KOTTAYAM DISTRICT.

BY ADV. SRI.V.M.KRISHNAKUMAR
SRI.S.SARAVANA BHAVAN

RESPONDENTS:
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1. THE SUB INSPECTOR OF POLICE,
POLICE STATION, ETTUMANOOR.

2. THE CIRCLE INSPECTOR OF POLICE,
ETTUMANOOR.

3. THE DEPUTY SUPERINTENDENT OF POLICE,
KOTTAYAM.

4. P.A.JOSEPH, S/O ABRAHAM,
PUTHIYADATHU VEETIL HOUSE,
ETTUMANOOR VILLAGE, KIZHAKKUM BHAGAM KARAYIL,
ETTUMANOOR.P.O.

BY ADV. SRI.PHILIP T.VARGHESE
SMT.A.SREEKALA
GOVT. PLEADER SRI.P.A.SALIM.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 17/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC 24868/07

APPENDIX

PETITIONER'S EXTS.

EXT.P1 - TRUE COPY OF THE PLAINT IN O.S.NO.165/07 ON THE FILE OF THE SUB COURT, KOTTAYAQM FILED BY THE PETITIONER.

RESPONDENTS' EXTS.

EXT.R4(a) – TRUE COPY OF THE PETITION FILED BEFORE THE 3RD RESPONDENT DATED 26.7.2007.

/TRUE COPY/

K.BALAKRISHNAN NAIR &

P.N.RAVINDRAN, JJ.

W.P.(C) NO. 24868 OF 2007-I

Dated 17th December, 2007.

JUDGMENT

Balakrishnan Nair, J.

The petitioner filed a suit against the 4th respondent for money on the strength of a pro-note. He submits, upon receipt of summons in the suit and appearing in it, the said respondent has moved the respondents 1 to 3 and they are harassing him to withdraw the suit. Therefore, this writ petition is filed, seeking appropriate directions against the alleged harassment from the part of respondents 1 to 3.

2. The learned Government Pleader, upon instructions, submitted that the 4th respondent filed a complaint before the 3rd respondent alleging that using forged documents the petitioner has filed a suit claiming money from him. Other allegations are also raised in the petition. So, the 3rd respondent forwarded the same to the 1st respondent, who summoned the petitioner to enquire into the said allegation. The allegations of harassment, pressurizing him to withdraw the suit etc., are denied by the learned Government

Pleader.

3. The 4th respondent has filed a counter affidavit, stating that he borrowed some money from the petitioner. Thereafter, he repaid the entire amount with interest. But, the petitioner did not return certain cheques, blank signed papers etc., received at the time of disbursing the loan. Now, using one of the signed papers, a pro-note has been forged and the present suit has been filed, it is submitted. Since the petitioner is misusing the cheques and the signed papers given by the 4th respondent, he moved the police, pointing out the above facts. The petitioner denies the above allegations of the 4th respondent.

4. Having regard to the nature of the dispute involved in this case, we are inclined to close the writ petition, recording the submission made by the learned Government Pleader. It is ordered accordingly.

K.BALAKRISHNAN NAIR, JUDGE.

P.N.RAVINDRAN, JUDGE.

Nm/